

James E. McGreevey
Governor



State of New Jersey
Department of Environmental Protection
Bureau of Operating Permits
401 E. State Street, 2nd floor
P.O. Box 27
Trenton, NJ 08625-0027

Bradley M. Campbell
Commissioner

February 20, 2003

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dennis Charko
Vice President/ General Manager
Atlantic States Cast Iron Pipe Co.
183 Sitgreaves Street
Phillipsburg, NJ 08865

Re: Atlantic States Cast Iron Pipe Co- **FINAL OPERATING PERMIT**
Permit Activity Number: BOP990001
Program Interest Number: 85441

ENVIRONMENTAL PROTECTION
AGENCY, REGION II
2003 MAR 17 AM 8:16
DEPP-APB

Dear Mr. Charko:

Enclosed is a final approved initial operating permit for the above-referenced facility. Pursuant to N.J.A.C. 7:27-22.33, all preconstruction permits and operating certificates issued to this facility have been incorporated in this operating permit. Henceforth, any changes to the facility requiring a revision to the operating permit, including any changes requiring preconstruction review, shall be conducted in accordance with the requirements of N.J.A.C. 7:27-22. The criteria for determining if an operating permit revision is required is specified at N.J.A.C. 7:27-22.20 through 24.

The facility provided additional comments on the proposed operating permit. The changes that were incorporated into the final operating permit were those of an administrative amendment type such as typographical errors and wording changes to improve clarity and consistency of certain requirements.

The rule that establishes the permitting requirements was revised and became effective on March 12, 2002. These changes may affect this permit. The most significant changes to the rule include changing the categorization of certain types of equipment to lessen the permitting burden. For example, certain equipment types were changed from significant source operations to insignificant source operations, and certain equipment types that were to be included in a permit as either an insignificant source operation or a significant source operation are now exempt and do not need to be included in this permit. You may

We are also enclosing a diskette with an electronic file. This diskette includes the information included in the paper version of the operating permit (also enclosed with this letter). Upon importing this information into your personal computer with the RADIUS software, you will have up-to-date information in the RADIUS format to facilitate your sending permit revisions electronically. We encourage you to switch from the outdated paper based permitting system to the new modern electronic system. The RADIUS software, instructions, and help are available at the Department's website at www.state.nj.us/dep/aqpp. Also, we have an operating permit helpline available from 8:30 am to 4:30 pm daily so that you may speak to someone to have your questions answered. The operating permit helpline is 609-633-8248.

If, in your judgement, the Department is imposing any unreasonable condition of approval, you may contest the Department's decision and request an adjudicatory hearing pursuant to N.J.S.A. 52:14b-1 et seq. and N.J.A.C. 7:27-22.32(a). All requests for an adjudicatory hearing must be received in writing by the Department within 20 calendar days of the date you receive this letter. The request must contain the information requested in N.J.A.C. 7:27-1.32 and the information on the enclosed Administrative Hearing Request Checklist and Tracking Form.

If you have any questions regarding this permit approval, please call me at (609) 292-0834.

Sincerely,



Richard Langbein
Bureau of Operating Permits

Enclosure

- C: Steve Riva, USEPA Region II (w/enclosure)
John Preczewski (w/enclosure)
Michael Papp, (NRO) (w/enclosure and facility plot plan)
R. Wormley (w/enclosure)
H. Baist (w/o enclosure)
K. Kalim (w/o enclosure)
C. Dooley (w/enclosure)
D. Anderson (w/o enclosure)
V. Korolev (NSR w/o enclosure)



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Bureau of Operating Permits
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Trenton, NJ 08625-0027

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Commissioner

Air Pollution Control Operating Permit

Permit Activity Number: BOP990001

Program Interest Number: 85441

Mailing Address	Plant Location
ATLANTIC STATE CAST IRON PIPE CO. 183 Sitgreaves Street Phillipsburg, NJ 08865 Warren County	ATLANTIC STATE CAST IRON PIPE CO. 183 Sitgreaves Street Phillipsburg, NJ 08865 Warren County

Operating Permit Approval Date: February 20, 2003

Operating Permit Expiration Date: February 19, 2008

This initial Operating Permit is approved and issued under the authority of Chapter 106, P.L. 1967 (N.J.S.A. 26:2C-9.2). Equipment at the facility must be operated in accordance with the requirements of this permit.

This operating permit includes a permit shield, pursuant to the provisions of N.J.A.C. 7:27-22.17. This operating permit does include compliance schedules as part of the approved compliance plan.

The permittee shall submit to the Department and to the EPA, at the addresses given below, a periodic compliance certification, in accordance with N.J.A.C. 7:27-22.19 and the schedule for compliance certifications set forth in the compliance plan in this operating permit. **The annual compliance certification is due to the Department and the EPA within 60 days of the expiration of each 1 year anniversary from the Operating Permit Approval Date.**

New Jersey Department of Environmental Protection
Air & Environmental Quality Compliance & Enforcement
401 East State Street, P. O. Box 422
Trenton, New Jersey 08625-0422

United States Environmental Protection Agency, Region II
Air Compliance Branch
290 Broadway
New York, New York 10007-1866

New Jersey Department of Environmental Protection
Air and Environmental Quality Compliance & Enforcement
Northern Regional Enforcement Office
1259 Route 46 East
Parsippany, NJ 07054

Approved by:

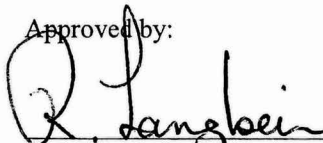

Richard Langbein
Bureau of Operating Permits

Table of Contents

Facility Name: Atlantic State Cast Iron Pipe Co.

Program Interest Number: 85441

Permit Activity Number: BOP990001

Section A

FACILITY PROFILE (ADMINISTRATIVE INFORMATION)

Section B

REASON FOR PERMIT

Section C

POLLUTANT EMISSIONS SUMMARY

Section D

POLLUTION PREVENTION REPORTING

Section E

DEFINITIONS

Section F

GENERAL PROVISIONS AND AUTHORITIES

Section G

COMPLIANCE SCHEDULES

Section H

FEDERAL AND STATE-ONLY APPLICABLE REQUIREMENTS

Section I

FACILITY SPECIFIC REQUIREMENTS GLOSSARY

Section J

FACILITY SPECIFIC REQUIREMENTS

Section K

INVENTORIES

Section L

ANNUAL COMPLIANCE CERTIFICATION STATEMENT

Section A

Facility Name: Atlantic State Cast Iron Pipe Co.

Program Interest Number: 85441

Permit Activity Number: BOP990001

FACILITY PROFILE

ATLANTIC STATES CAST IRON PIPE CO (85441)
BOP990001

Date: 2/13/03

New Jersey Department of Environmental Protection
Facility Profile (General)

Facility Name (AIMS): ATLANTIC STATES CAST IRON PIPE

Facility ID (AIMS): 85004

Street 183 SITGREAVES ST
Address: PHILLIPSBURG, NJ 08865

Mailing 183 SITGREAVES ST
Address: PHILLIPSBURG, NJ 08865

County: Warren

Location The facility manufactures cast iron pipes for
Description: municipal water supply.

State Plane Coordinates:

X-Coordinate: 75

Y-Coordinate: 41

Units: Long/Lat

Datum: test

Source Org.: County

Source Type: Exact Address Match

Industry:

Primary SIC: 3312

Secondary SIC:

**New Jersey Department of Environmental Protection
Facility Profile (General)**

Contact Type: General Contact

Organization: ATLANTIC STATES CAST IRON PIPE

Org. Type: Private

Name: Daniel J. Yadzinski

NJ EIN: 00630139000

Title: Manager of Engineering

Phone: (908) 454-1161 x

Mailing Address: 183 SITGREAVES STREET
PHILLIPSBURG, NJ 08865

Fax: (908) 454-1026 x

Other: () - x

Type:

Email: danyad@nni.com

Contact Type: Responsible Official

Organization:

Org. Type: Private

Name: Dennis R. Charko

NJ EIN: 00630139000

Title: Vice President/General Manager

Phone: (908) 454-1161 x

Mailing Address: 183 Sitgreaves Street
Phillipsburg, NJ 08865

Fax: () - x

Other: () - x

Type:

Email: NA

Section B

Facility Name: Atlantic State Cast Iron Pipe Co.
Program Interest Number: 85441
Permit Activity Number: BOP990001

REASON FOR PERMIT

The reason for issuance of this permit is to comply with the air pollution control permit provisions of Title V of the federal Clean Air Act, federal rules promulgated at 40 CFR 70, and state regulations promulgated at N.J.A.C. 7:27-22, which require the state to issue Operating Permits to major facilities. This is the Operating Permit for the facility listed on the cover page.

New Jersey has elected to integrate its Title I New Source Review (NSR) preconstruction permits with the new Title V Operating Permits instead of issuing separate permits. Consequently, the existing preconstruction permit provisions that were previously approved for this facility have been consolidated into this permit. This permit may also include applicable requirements for grandfathered sources.

This permit action consolidates previously approved permit terms and conditions into one single permit for the facility. The New Jersey Department of Environmental Protection (Department) issues this Operating Permit to operate equipment and air pollution control devices to this facility. In the operating permit application, the facility represented that it meets all applicable requirements of the federal Clean Air Act and the New Jersey Air Pollution Control Act codified at N.J.S.A. 26:2C. Based on an evaluation of the data contained in the facility's application, the Department has approved this Operating Permit.

This permit allows this facility to operate the equipment and air pollution control devices specified in this permit and emit up to a level specified for each source operation. The signatories named in the application are responsible for ensuring that the facility is operated in a manner consistent with this permit, its conditions, and applicable rules.

With the recent start-up of the Department's new information system, NJEMS, the facility ID Numbers for major sources are replaced with Program Interest Numbers. Your facility's Program Interest Number is listed at the top of this page. Please use this number on all future correspondence with all DEP air program offices.

Section C

Facility Name: Atlantic State Cast Iron Pipe Co.

Program Interest Number: 85441

Permit Activity Number: BOP990001

POLLUTANT EMISSIONS SUMMARY

The following table indicates the facility's Potential to Emit (PTE) emissions summary:

Source Categories	Facility Total Potential to Emit (tons per year)								
	Primary						Secondary		
	VOC (total)	NO _x	CO	SO ₂	TSP (total)	Other (total)	PM ₁₀ (total)	Pb	HAPs (total)
Emission Unit Summary	83.0	68.7	794	35.1	50.2	NA	50.2	2.62	2.83
Batch Process Summary	NA	NA	NA	NA	NA	NA	NA	NA	NA
Non-Source Fugitive Emissions	NA	NA	NA	NA	18.4	NA	8.3	NA	NA
Group Summary	NA	NA	NA	NA	NA	NA	NA	NA	NA
Total Emissions ¹	83	68.7	794	35.1	68.6	NA	58.5	2.62	2.83

VOC Volatile Organic Compounds

NO_x Nitrogen Oxides

CO Carbon Monoxide

SO₂ Sulfur Dioxide

TSP Total Suspended Particulates

Other Any other air contaminant regulated under the Federal Clean Air Act

PM₁₀ Particulates under 10 microns

Pb Lead

HAPs Hazardous Air Pollutants

¹ Total emissions from this facility do not include emissions from Insignificant Sources.

Section C

Facility Name: Atlantic State Cast Iron Pipe Co.

Program Interest Number: 85441

Permit Activity Number: BOP990001

POLLUTANT EMISSIONS SUMMARY

The following table indicates the facility's hazardous air pollutants (HAP) emissions summary:²

HAP	TPY
Arsenic	0.001
Cadmium	0.08
Chromium	0.0128
Lead	2.62
Mercury	0.068
Nickel	0.00421

² Do not sum these values for the purpose of establishing a total HAP potential to emit. See previous page for the allowable total HAP emissions.

Section D

Facility Name: Atlantic State Cast Iron Pipe Co.

Program Interest Number: 85441

Permit Activity Number: BOP990001

POLLUTION PREVENTION REPORTING

General Pollution Prevention Conditions

The following evaluation requirements are included to track the facility's progress in several critical areas identified in the National Environmental Performance Partnership System (NEPPS). Nitrogen Oxides (NOx) and Volatile Organic Compounds (VOC) are precursors to the air pollutant Ozone, for which New Jersey is non-attainment with the air quality standard for the protection of public health. The control of hazardous air pollutants (HAPs) is also a focus item for the next decade in order to minimize localized hot spots and general urban air toxics levels. Therefore, the Department is requiring evaluation of emission trends at 5-year intervals for major sources of these air contaminants. Also, as part of significant modification applications, proposed major increases of these air contaminants requires evaluation of pollution prevention and cross media effects.

The evaluation of these trends requires no increased monitoring. Rather it utilizes existing monitoring data, as reported annually in Emission Statements (NOx and VOC) and annual Release and Pollution Prevention Reports (HAPs). The intent of this evaluation is to better utilize the existing data by having the company, the public and the Department review major source trends periodically, as part of the 5-year renewal review and public comment process. The Department requests that the facility-wide trends be presented on graphs for attachment to the public information document for the 5-year renewal.

Pollution prevention includes changes that result in the reduction in use or generation of non-product output per unit of product. Cross media effects are practices that result in transferring the ultimate release or disposal of a contaminant from one environmental medium (e.g. air) to another environmental medium (e.g. water, solid or hazardous wastes).

Information to include with the renewal application:

1. The facility will evaluate annual emission trends over the last five years for actual air contaminant emissions of Volatile Organic Compounds (VOC), Nitrogen Oxides (NOx), if the facility's potential to emit VOC or NOx is greater than 25 tons per year, or any Hazardous Air Pollutants (HAP), for which the facility's potential to emit is greater than 10 tons per year. The VOC and NOx emission data should reflect annual emission statement reports submitted pursuant to N.J.A.C. 7:27-21, and the HAP emissions data should reflect the annual Release and Pollution Prevention Report submitted pursuant to N.J.A.C. 7:1G-5 and 6 and N.J.A.C. 7:1K-6. Although not required, the Department encourages the facility to explain the reason for any significant trend, including whether it is the result of cross media shifts (to air, water, or solid waste) and/or pollution prevention. Changes should be itemized for each emission unit (or process) with a potential to emit over five tons per year of VOC or NOx or a potential to emit over one ton per year of any HAP. Also, show the net change for the facility.
2. The facility will summarize annual potential to emit limits (allowable emissions) for VOC, NOx, and HAPs, which are subject to reporting under 1 above, for the last five years. Changes should be itemized for each emission unit (or process) with a potential to emit over five tons per year of VOC or NOx or a potential to emit over one ton per year of any HAP. Also, show the net change for the facility.
3. The facility will summarize five-year trends in annual VOC, NOx, and HAP emissions, which are subject to reporting under 1 above, on a pound per unit of product basis, based on annual actual emissions and

annual production over the five year period. Changes should be itemized for each emission unit (or process) with a potential to emit over five tons per year of VOC or NOx or a potential to emit over one ton per year of any HAP. Also, show the net change for the facility.

4. The facility will discuss five-year trends in actual air contaminant emissions of non-source VOC and HAP fugitives, which are subject to reporting under 1 above; explain measures taken to minimize such fugitives; and provide an explanation for any significant changes.

Information to include with an application for a Significant Modification to this permit:

1. For any significant modifications, the facility is encouraged to explain any cross media shifts of VOC and HAP air contaminants as part of the significant modification application. If an explanation is provided, the facility should identify the pollutant and the specific environmental media to which the pollutant is anticipated to be transferred, whether it be from air to solid waste or water, or from water or solid waste to the air.

Section E

Facility Name: Atlantic State Cast Iron Pipe Co.
Program Interest Number: 85441
Permit Activity Number: BOP990001

DEFINITIONS

The terms used in this permit are used consistent with the definitions at N.J.A.C. 7:27-1 and N.J.A.C. 7:27-22. Any terms defined in this section are not defined at N.J.A.C. 7:27-1 or N.J.A.C. 7:27-22, and are needed for clarifying the permit.

"Permitting Authority" means the New Jersey Department of Environmental Protection (NJDEP).

The "EPA", or the "Administrator", means the Administrator of the EPA or his designee.

"M" preceding a unit of measure means one thousand. For example, "10 M gal." means ten thousand gallons.

"MM" preceding a unit of measure means one million. For example, "10 MM gal." means ten million gallons.

"Grandfathered" means, in reference to equipment or control apparatus, that construction, reconstruction, or modification occurred prior to enactment of N.J.S.A. 26:2C-9.2 on June 15, 1967, or prior to the subsequent applicable revisions to rules and regulations codified at N.J.A.C. 7:27-8 that occurred March 5, 1973, June 1, 1976, April 5, 1985, and October 31, 1994, and no construction, reconstruction, or modification of the equipment or control apparatus has occurred since.

Section F

Facility Name: Atlantic State Cast Iron Pipe Co.

Program Interest Number: 85441

Permit Activity Number: BOP990001

GENERAL PROVISIONS AND AUTHORITIES

Operating Permits

1. No permittee shall allow any air contaminant, including an air contaminant detectable by the sense of smell, to be present in the outdoor atmosphere in a quantity and duration which is, or tends to be, injurious to human health or welfare, animal or plant life or property, or which would unreasonably interfere with the enjoyment of life or property. This shall not include an air contaminant which occurs only in areas over which the permittee has exclusive use or occupancy. Conditions relative only to nuisance situations, including odors, are not considered Federally enforceable. [N.J.A.C. 7:27-22.16(g)8]

2. Any deviation from operating permit requirements which results in a release of air contaminants shall be reported to the Department as follows:

If the air contaminants are released in a quantity or concentration which poses a potential threat to public health, welfare or the environment or which might reasonably result in citizen complaints, the permittee shall report the release to the Department:

- i. Immediately on the Department hotline at 1-877-927-6337, pursuant to N.J.S.A. 26:2C-19(e); and
- ii. As part of the compliance certification required in N.J.A.C. 7:27-22.19(f). However, if the deviation is identified through source emissions testing, it shall be reported through the source emissions testing and monitoring procedures at N.J.A.C. 7:27-22.18(e)3; or

If the air contaminants are released in a quantity or concentration which poses no potential threat to public health, welfare or the environment and which will not likely result in citizen complaints, the permittee shall report the release to the Department as part of the compliance certification required in N.J.A.C. 7:27-22.19(f), except for deviations identified by source emissions testing reports, which shall be reported through the procedures at N.J.A.C. 7:27-22.18(e)3; or

If the air contaminants are released in a quantity or concentration which poses no potential threat to public health, welfare or the environment and which will not likely result in citizen complaints, and the permittee intends to assert the affirmative defense afforded by N.J.A.C. 7:27-22.16(l), the violation shall be reported by 5:00 P.M. of the second full calendar day following the occurrence, or of becoming aware of the occurrence, consistent with N.J.A.C. 7:27-22.16(l). [N.J.A.C. 7:27-22.19(g)]

3. The permittee shall comply with all conditions of the operating permit including the approved compliance plan. Any non-compliance with a permit condition constitutes a violation of the New Jersey Air Pollution Control Act N.J.S.A. 26:2C-1 et seq., or the CAA, 42 U.S.C. §7401 et seq., or both, and is grounds for enforcement action; for termination, revocation and reissuance, or for modification of the operating permit; or for denial of an application for a renewal of the operating permit. [N.J.A.C. 7:27-22.16(g)1]
4. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of its operating permit. [N.J.A.C. 7:27-22.16(g)2]

5. This operating permit may be modified, terminated, or revoked for cause by the EPA pursuant to 40 CFR 70.7(g) and revoked or reopened and modified for cause by the Department pursuant to N.J.A.C. 7:27-22.25. [N.J.A.C. 7:27-22.16(g)3]
6. The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this operating permit; or to determine compliance with the operating permit. [N.J.A.C. 7:27-22.16(g)4]
7. The filing of an application for a modification of an operating permit, or of a notice of planned changes or anticipated non-compliance, does not stay any operating permit condition. [N.J.A.C. 7:27-22.16(g)5]
8. The operating permit does not convey any property rights of any sort, or any exclusive privilege. [N.J.A.C. 7:27-22.16(g)6]
9. Upon request, the permittee shall furnish to the Department copies of records required by the operating permit to be kept. [N.J.A.C. 7:27-22.16(g)7]
10. The Department and its authorized representatives shall have the right to enter and inspect any facility subject to N.J.A.C. 7:27-22, or portion thereof, pursuant to N.J.A.C. 7:27-1.31. [N.J.A.C. 7:27-22.16(g)9]
11. The permittee shall pay fees to the Department pursuant to N.J.A.C. 7:27. [N.J.A.C. 7:27-22.16(g)10]
12. Each permittee shall maintain records of all source emissions testing or monitoring performed at the facility and required by the operating permit in accordance with N.J.A.C. 7:27-22.19. Records shall be maintained, for at least five years from the date of each sample, measurement, or report. Each permittee shall maintain all other records required by this operating permit for a period of five years from the date that each record is made. At a minimum, source emission testing or monitoring records shall contain the information specified at N.J.A.C. 7:27-22.19(b). [N.J.A.C. 7:27-22.19(a) and N.J.A.C. 7:27-22.19(b)]
13. In accordance with N.J.A.C. 7:27-22.19(d)3, each permittee shall submit to the Department a six month deviation report relating to testing and monitoring required by the operating permit, not including information for testing and monitoring which have other reporting schedules specified in the permit. Normally, stack testing reporting is submitted within 45 days of test completion and continuous monitoring reporting is done quarterly. The six month report must address other specified monitoring, including, but not limited to, continuous and periodic monitoring data required by this permit (see column three titled "Monitoring Requirement" in the Facility Specific Requirement Section of this permit). The six month reports for the testing and monitoring performed from January 1 through June 30, shall be reported by July 30 of the same calendar year; or from July 1 through December 31, shall be reported by January 30 of the following calendar year. Pursuant to N.J.A.C. 7:27-22.19(e), these six month reports shall clearly identify all deviations from operating permit requirements, the probable cause of such deviations, and any corrective actions taken. The report shall be certified pursuant to N.J.A.C. 7:27-1.39 by a responsible official. [N.J.A.C. 7:27-22.19(d)3 and N.J.A.C. 7:27-22.19(e)]
14. For emergencies (as defined at 40 CFR 70.6(g)(1)) that result in non-compliance with any promulgated federal technology-based standard such as NSPS, NESHAPS, or MACT, a federal affirmative defense is available, pursuant to 40 CFR 70. To assert a federal affirmative defense, the permittee must use the procedures set forth in 40 CFR 70. The affirmative defense provisions described in 15 below may not be applied to any situation that caused the Facility to exceed any federally delegated regulation, including but not limited to NSPS, NESHAP, or MACT.
15. For situations other than those covered by 14 above, an affirmative defense is available for a violation of a provision or condition of the operating permit only if:
 - i. The violation occurred as a result of an equipment malfunction, an equipment start-up or shutdown, or during the performance of necessary equipment maintenance; and

- ii. The affirmative defense is asserted and established as required by N.J.S.A. 26:2C-19.1 through 19.5 and any implementing rules. [N.J.A.C. 7:27-22.16(l)]
16. Each permittee shall meet all requirements of the approved source emissions testing and monitoring protocol during the term of the operating permit. [N.J.A.C. 7:27-22.18(j)]

The following paragraphs of this section are included for the permittee's convenience to remind them of their obligations with certain key applicable requirements. These paragraphs are not enforceable since they paraphrase areas of the operating permits rule. Also, these paragraphs do not reference all the applicable requirements with which the permittee must comply.

17. Each owner and each operator of any facility, source operation, or activity to which this permit applies is responsible for ensuring compliance with all requirements of N.J.A.C. 7:27-22. If the owner and operator are separate persons, or if there is more than one owner or operator, each owner and each operator is jointly and severally liable for any fees due under N.J.A.C. 7:27-22, and for any penalties for violation of N.J.A.C. 7:27-22.
18. In the event of a challenge to any part of this operating permit, all other parts of the permit shall continue to be valid.
19. The permittee shall ensure that no air contaminant is emitted from any significant source operation at a rate, calculated as the potential to emit, that exceeds the applicable threshold for reporting emissions set forth in the Appendix to N.J.A.C. 7:27-22, unless emission of the air contaminant is authorized by this operating permit.
20. Consistent with the provisions of N.J.A.C. 7:27-22.3(e), the permittee shall ensure that all requirements of this Operating Permit are met. In the event that there are multiple emission limitations, monitoring, recordkeeping, and/or reporting requirements for a given source operation, the facility must comply with all requirements, including the most stringent.
21. Consistent with the provisions of N.J.A.C. 7:27-22.9(c), the permittee shall use monitoring of operating parameters, where required by the compliance plan, as a surrogate for direct emissions testing or monitoring, to demonstrate compliance with applicable requirements.
22. The permittee shall file a timely and complete application for:
- Administrative Amendments;
 - Seven-Day-Notice changes;
 - Minor Modifications;
 - Significant Modifications; and
 - Renewals.

Section G

Facility Name: Atlantic State Cast Iron Pipe Co.

Program Interest Number: 85441

Permit Activity Number: BOP990001

COMPLIANCE SCHEDULES

This section contains the facility's compliance schedules.

BOP990001

Compliance Schedule

Subject Item: E20

Violated Requirement

- 1 No person may construct, reconstruct, install, or modify a significant source that is not covered by a permit and certificate without first obtaining a preconstruction permit. No person shall operate (nor cause to be operated) a significant source without a valid operating certificate. [N.J.A.C. 7:27- 8.3(a)] and [N.J.A.C. 7:27- 8.3(b)]

Compliance Schedule:

Cease operation or comply: As per the approved schedule See attached enforcement document
PEA020001. [N.J.A.C. 7:27-22.3(ii)]

BOP990001

Compliance Schedule**Subject Item: U1 OS 0****Violated Requirement**

- 19 Maximum emission rate from preconstruction permit. TSP \leq 21 lb/hr. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

Other (provide description): Cease operation or comply in accordance with attached enforcement document PEA000005. [N.J.A.C. 7:27-22.16(e)]

Violated Requirement

- 21 Maximum emission rate from preconstruction permit Carbon monoxide \leq 420 lb/hr. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

Other (provide description): Cease operation or comply in accordance with attached enforcement document PEA000005. [N.J.A.C. 7:27-22.16(e)]

Violated Requirement

- 30 Maximum emission rate from preconstruction permit. Mercury Emissions \leq 0.038 lb/hr. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

in accordance with attached enforcement document PEA000005 Other (provide description): Cease operation or comply. [N.J.A.C. 7:27-22.16(e)]

Violated Requirement

- 34 Carbon Monoxide \leq 2,500 ppmvd (maximum daily average). The maximum daily average may exceed 2500 ppmvd up to three (3) days each quarter but shall never exceed 4,000 ppmvd. If the daily average CO concentration does not exceed 2500 ppmvd for four (4) consecutive quarters, the Permittee shall comply with the 2500 ppmvd daily average limit at ALL TIMES from preconstruction permit. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

Other (provide description): Cease operation or comply, PEA01004, PEA020002, PEA010007, PEA010006, PEA010005. [N.J.A.C. 7:27-22.16(e)]

Violated Requirement

- 42 From preconstruction permit, the maximum flow rate of the absorption liquid \leq 500 gpm, and minimum flow rate \geq 325 gpm. [N.J.A.C. 7:27-22.16(a)]

Compliance Schedule:

Other (provide description): Cease operation or comply in accordance with attached enforcement document PEA990001. [N.J.A.C. 7:27-22.16(e)]

BOP990001

Compliance Schedule

Subject Item: U3 OS 0

Violated Requirement

- 14 Emission shall vent to the baghouse central device based on preconstruction permit application. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

Other (provide description): Cease operation or comply in accordance with attached enforcement document PEA 990001. [N.J.A.C. 7:27-22.16(e)]

Violated Requirement

- 21 Maximum emission rate from preconstruction permit.TSP (total) \leq 5.24 lb/hr. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

in accordance with attached enforcement document PEA000005 Other (provide description): Cease operation or comply. [N.J.A.C. 7:27-22.16(e)]

Violated Requirement

- 26 Maximum emission rate from preconstruction permit. Lead emissions \leq 0.0121 lb/hr. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

Other (provide description): Cease operation or comply in accordance with attached enforcement document PEA000005. [N.J.A.C. 7:27-22.16(e)]

Violated Requirement

- 27 Maximum emission rate from preconstruction permit. Chromium emissions \leq 0.00098 lb/hr. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

Other (provide description): Cease operation or comply in accordance with attached enforcement documents, PEA000005. [N.J.A.C. 7:27-22.16(e)]

Violated Requirement

- 28 Maximum emission rate from preconstruction permit. Nickel emissions \leq 0.000836 lb/hr. [N.J.A.C. 7:27-22.16(e)]

Compliance Schedule:

Other (provide description): Cease operation or comply in accordance with attached enforcement document PEA000005. [N.J.A.C. 7:27-22.16(e)]

Air Compliance & Enforcement
Northern Regional Office
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191
Phone: (973) 299-7700 Fax: (973) 299-7712

CERTIFIED MAIL/RRR
7000 1670 0002 2986 4253

IN THE MATTER OF
ATLANTIC STATES CAST IRON PIPE CO
183 SITGREAVES ST
PHILLIPSBURG, NJ 08865

: ADMINISTRATIVE ORDER
: AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

EA ID # PEA020001 - 85004

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter AONOCAPA) are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter NJDEP or the Department) by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Manager, Northern Regional Office, Air Compliance & Enforcement, pursuant to N.J.S.A.13:1B-4.

FINDINGS

1. ATLANTIC STATES CAST IRON PIPE CO owns and/or operates a facility located at 183 Sitgreaves Street, Lot 41, Block 40, Phillipsburg Town, Warren County, New Jersey (ID# 85004).
2. As the result of an investigation conducted on October 10, 2001, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO failed to comply with applicable requirements as follows:
 - A. Requirement: Pursuant to N.J.A.C. 7:27-8.3(e), no person shall use or cause to be used any equipment or control apparatus unless all components connected or attached to, or serving the equipment or control apparatus, are functioning properly and are in use in accordance with the preconstruction permit and certificate and all conditions and provisions thereto.

Description of Noncompliance: You failed to fulfill all conditions and provisions of Permit/Certificate PCP010001 by operating the Cupola, and the associated scrubbing system, while fugitive emissions were being discharged uncontrolled to atmosphere.

- B. Requirement: Pursuant to N.J.A.C. 7:27-8.3(e), no person shall use or cause to be used any equipment or control apparatus unless all components connected or attached to, or serving the equipment or control apparatus, are functioning properly and are in use in accordance with the preconstruction permit and certificate and all conditions and provisions thereto.

Description of Noncompliance: You failed to fulfill all conditions and provisions of Permit and Certificate PCP960009 (formerly #85853) by operating the Sand Core Molding Area (Sand 1) while the dust collection system was out of service.

- C. Requirement: Pursuant to N.J.A.C. 7:27-8.3(a), no person may construct, reconstruct, install, or modify a significant source that is not covered by a permit and certificate without first obtaining a preconstruction permit.

Description of Noncompliance: You installed a pipe spray painting operation without first obtaining a preconstruction permit.

- D. Requirement: Pursuant to N.J.A.C. 7:27-8.3(b), no person shall operate (nor cause to be operated) a significant source without a valid operating certificate.

Description of Noncompliance: You operated the pipe spray painting operation without first having obtained a valid operating certificate.

3. Based on the facts set forth in these FINDINGS, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO has violated the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto, specifically, N.J.A.C. 7:27- 8.3(a), N.J.A.C. 7:27-8.3(b) and N.J.A.C. 7:27-8.3(e).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

4. ATLANTIC STATES CAST IRON PIPE CO shall comply with the following:
- A. IMMEDIATELY cease operation of the equipment listed in Paragraph 2.A. and
2.B. or operate said equipment in accordance with the Permits and Certificates.

- B. On or before May 30, 2002, submit the required Permit and Certificate application for the equipment listed in Paragraph 2.C. to the Bureau of New Source Review. Additionally, on or before October 30, 2002, obtain a Permit and Certificate for the equipment listed in Paragraph 2.C. If the required Permit and Certificate application is not submitted by the first date, and the Permit and Certificate is not obtained by the latter date, you must cease installation/operation of such equipment.
4. This Order shall be effective upon receipt by ATLANTIC STATES CAST IRON PIPE CO or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
AND
NOTICE OF RIGHT TO A HEARING

5. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against ATLANTIC STATES CAST IRON PIPE CO in the amount of \$49,000.00. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.
6. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.12, the Department may, in addition to any civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with the requirements of this Act, or any rule, administrative order, operating certificate or permit issued pursuant thereto.
7. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 26:2C-14.1, ATLANTIC STATES CAST IRON PIPE CO is entitled to request a hearing. ATLANTIC STATES CAST IRON PIPE CO shall, in its request for a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.
8. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.

9. If a timely request for a hearing is received, payment of the penalty is due when ATLANTIC STATES CAST IRON PIPE CO receives a notice of the denial of the request, or, if the hearing request is granted, when ATLANTIC STATES CAST IRON PIPE CO withdraws the request or abandons the hearing, or, if the hearing is conducted, when ATLANTIC STATES CAST IRON PIPE CO receives a final decision from the Commissioner in this matter.
10. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

11. This AONOCAPA is binding on ATLANTIC STATES CAST IRON PIPE CO their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
12. No obligations imposed by this AONOCAPA are intended to constitute a debt, which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
13. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
14. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve ATLANTIC STATES CAST IRON PIPE CO of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
15. Pursuant to N.J.S.A. 26:2C-19(b) and N.J.S.A. 26:2C-19(d), any person who violates the provisions of the Act, or any code, rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable to a penalty of up to \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third and each subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.

16. Pursuant to N.J.S.A. 26:2C-19(f)1, any person who purposely or knowingly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order, promulgated or issued pursuant thereto, is guilty of a crime of the third degree.
17. Pursuant to N.J.S.A. 26:2C-19(f)2, any person who recklessly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order promulgated or issued pursuant thereto, is guilty of a crime of the fourth degree.

DATE:

Michael Papp
Manager
Northern Regional Office
Air Compliance & Enforcement

**Administrative Hearing Request Checklist
and Tracking Form**

I. Document Being Appealed: **EA ID # PEA020001 - 85004**

II. Person Requesting Hearing:

Date Document Issued _____

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document.
- B. **A copy of the Enforcement Document** and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:
 - 1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625
 - 2. Michael Papp, Manager
Air Compliance & Enforcement
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191
 - 3. All co-permittees (w/attachments)

ATLANTIC STATES CAST IRON PIPE CO

PEA020001 - 85004

Page 7

IV. Signature: _____ Date: _____

Air Compliance & Enforcement
Northern Regional Office
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191

IN THE MATTER OF
ATLANTIC STATES CAST IRON PIPE
CO
183 SITGREAVES ST
PHILLIPSBURG, NJ 08865
EA ID # PEA000005 - 85004

ADMINISTRATIVE ORDER
OF REVOCATION AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

This Administrative Order of Revocation and Notice of Civil Administrative Penalty Assessment (hereinafter AORNOCAPA) are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter NJDEP or the Department) by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to Michael Papp, Regional Enforcement Officer, Northern Regional Office, Air Compliance & Enforcement pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. ATLANTIC STATES CAST IRON PIPE CO owns and/or operates a facility located at 183 Sitgreaves Street, Lot 41, Block 40, Phillipsburg, Warren County, New Jersey (ID# 85004).
2. As the result of investigations conducted on November 30, 1999, December 1, 1999, December 2, 1999 and December 3, 1999, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:27- 8.3(e), No person shall use or cause to be used any equipment or control apparatus unless all components connected or attached to, or serving the equipment or control apparatus, are functioning properly and are in use in accordance with the preconstruction permit and certificate and all conditions and provisions thereto.

Description of Noncompliance: The Department has determined that as a result of stack emission tests conducted on December 1, 1999, you operated the Cupola Scrubber Stack while emissions to the outdoor atmosphere exceeded the standards stated on Permit Log # 01-98-0567 as follows:

ATLANTIC STATES CAST IRON PIPE CO

PEA000005-85004

Page 2 of 6

<u>Emission Rates (lbs./hr.)</u>				
<u>Contaminant</u>	<u>Run # 1</u>	<u>Run # 2</u>	<u>Run # 3</u>	<u>Allowable Emission Rates (lbs./hr.)</u>
Carbon Monoxide-----	-----		469.65	420.00
Mercury	0.040	-----	-----	0.038

Additionally, on November 30, 1999 you failed to fulfill all Conditions and provisions of Permit Log # 01-98-0567 by opening the Cupola Cap and bypassing the control device.

Description of Noncompliance: The Department has determined that as a result of stack emission tests conducted on December 2 and 3, 1999, you operated the Melt Center Baghouse while emissions to the outdoor atmosphere exceeded the standards stated on Permit Log # 01-98-0482 as follows:

<u>Emission Rates (lbs./hr.)</u>				
<u>Contaminant</u>	<u>Run # 1</u>	<u>Run # 2</u>	<u>Run # 3</u>	<u>Allowable Emission Rates (lbs./hr.)</u>
Particulate	-----	-----	5.34	5.24
Chromium	0.00133	0.00154	0.00109	0.000980
Lead	0.0293	0.0202	0.0131	0.0121
Nickel	0.00222	0.00258	0.00171	0.000836

Additionally, on December 2, 1999 you failed to fulfill all conditions and provisions of Permit Log # 01-98-0482 by allowing fugitive emission to the atmosphere.

3. Based on the facts set forth in these FINDINGS, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO has violated the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto specifically, N.J.A.C. 7:27- 8.3(e).

ORDER

4. NOW, THEREFORE, IT IS HEREBY ORDERED THAT pursuant to N.J.S.A 26:2C-9.2, Permit Log # 01-98-0482 and Permit Log # 01-98-0567 are hereby revoked effective January 20, 2001. Any operation of the equipment specified in Permit Log # 01-9800482 and Permit Log # 01-98-0567 after January 20, 2001 will constitute a violation of N.J.A.C. 7:27-8.1 et seq. and ATLANTIC STATES CAST IRON PIPE CO will be subject to additional penalties in accordance with Paragraph 7 of this AORNOCAPA.

ATLANTIC STATES CAST IRON PIPE CO

PEA000005-85004

Page 3 of 6

5. This Order shall be effective upon receipt by ATLANTIC STATES CAST IRON PIPE CO or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
AND
NOTICE OF RIGHT TO A HEARING

6. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against ATLANTIC STATES CAST IRON PIPE CO in the amount of \$45,000.00. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.
7. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.12, the Department may, in addition to any civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with the requirements of this Act, or any rule, administrative order, operating certificate or permit issued pursuant thereto.
8. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 26:2C-14.1, ATLANTIC STATES CAST IRON PIPE CO is entitled to request a hearing. ATLANTIC STATES CAST IRON PIPE CO shall, in its request for a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.
9. If no request for a hearing is received within twenty (20) calendar days from receipt of this AORNOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.
10. If a timely request for a hearing is received, payment of the penalty is due when ATLANTIC STATES CAST IRON PIPE CO receives a notice of the denial of the request, or, if the hearing request is granted, when ATLANTIC STATES CAST IRON PIPE CO withdraws the request or abandons the hearing, or, if the hearing is conducted, when ATLANTIC STATES CAST IRON PIPE CO receives a final decision from the Commissioner in this matter.

ATLANTIC STATES CAST IRON PIPE CO

PEA000005-85004

Page 4 of 6

11. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

12. This AORNOCAPA is binding on ATLANTIC STATES CAST IRON PIPE CO their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
13. No obligations imposed by this AORNOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
14. This AORNOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AORNOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
15. Neither the issuance of this AORNOCAPA nor anything contained herein shall relieve ATLANTIC STATES CAST IRON PIPE CO of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
16. Pursuant to N.J.S.A. 26:2C-19(b) and N.J.S.A. 26:2C-19(d), any person who violates the provisions of the Act, or any code, rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable to a penalty of up to \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third and each subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
17. Pursuant to N.J.S.A. 26:2C-19(f)1, any person who purposely or knowingly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order, promulgated or issued pursuant thereto, is guilty of a crime of the third degree.

ATLANTIC STATES CAST IRON PIPE CO

PEA000005-85004

Page 5 of 6

18. Pursuant to N.J.S.A. 26:2C-19(f)2, any person who recklessly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order promulgated or issued pursuant thereto, is guilty of a crime of the fourth degree.

DATE: December 20, 2000

Michael Papp
Regional Enforcement Officer
Northern Regional Office
Air Compliance & Enforcement

CERTIFIED MAIL

ATLANTIC STATES CAST IRON PIPE CO

PEA000005-85004

Page 6 of 6

**Administrative Hearing Request Checklist
and Tracking Form**

I. Document Being Appealed: EA ID # PEA000005 - 85004

II. Person Requesting Hearing:

Date Document Issued _____

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document.
- B. A copy of the Enforcement Document and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:
 - 1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625
 - 2. Michael Papp, Regional Enforcement Officer
Air Compliance & Enforcement
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191
 - 3. All co-permittees (w/attachments)

IV. Signature: _____ Date: _____

**Air Compliance & Enforcement
Northern Regional Office
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191
☎ (973) 299-7700**

CERTIFIED MAIL/RRR
7000 1670 0002 2986 7766

**IN THE MATTER OF
ATLANTIC STATES CAST IRON PIPE CO.
183 SITGREAVES ST
PHILLIPSBURG, NJ 08865**

**ADMINISTRATIVE ORDER
AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT**

EA ID # PEA010004 - 85004

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter AONOCAPA) are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter NJDEP or the Department) by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Regional Enforcement Officer, Northern Regional Office, Air Compliance & Enforcement, pursuant to N.J.S.A.13:1B-4.

FINDINGS

1. ATLANTIC STATES CAST IRON PIPE CO. owns and/or operates a facility located at 183 Sitgreaves Street, Lot 41, Block 40, Phillipsburg Town, Warren County, New Jersey (ID# 85004).
2. As the result of an investigation conducted on February 14, 2001, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO. failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:27- 8.3(e), no person shall use or cause to be used any equipment or control apparatus unless all components connected or attached to, or serving the equipment or control apparatus, are functioning properly and are in use in accordance with the preconstruction permit and certificate and all conditions and provisions thereto.

Description of Noncompliance: During the Fourth Quarter of 2000, the concentration of emissions of carbon monoxide from the Cupola Scrubber Stack, Permit/Certificate Log # 01-98-0567, exceeded the emission standard of 2500 ppm (daily average) on 16 days.

3. Based on the facts set forth in these FINDINGS, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO. has violated the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto, specifically, N.J.A.C. 7:27-8.3(e).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

4. ATLANTIC STATES CAST IRON PIPE CO. shall comply with the following:

IMMEDIATELY cease operation of the equipment listed in Paragraph 2 above or operate said equipment in accordance with Permit/Certificate Log # 01-98-0567.
5. This Order shall be effective upon receipt by ATLANTIC STATES CAST IRON PIPE CO. or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

AND

NOTICE OF RIGHT TO A HEARING

6. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against ATLANTIC STATES CAST IRON PIPE CO. in the amount of \$62,400.00. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.
7. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.12, the Department may, in addition to any civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with the requirements of this Act, or any rule, administrative order, operating certificate or permit issued pursuant thereto.
8. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 26:2C-14.1, ATLANTIC STATES CAST IRON PIPE CO. is entitled to request a hearing. ATLANTIC STATES CAST IRON PIPE CO. shall, in its request for a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.

9. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.
10. If a timely request for a hearing is received, payment of the penalty is due when ATLANTIC STATES CAST IRON PIPE CO. receives a notice of the denial of the request, or, if the hearing request is granted, when ATLANTIC STATES CAST IRON PIPE CO. withdraws the request or abandons the hearing, or, if the hearing is conducted, when ATLANTIC STATES CAST IRON PIPE CO. receives a final decision from the Commissioner in this matter.
11. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

12. This AONOCAPA is binding on ATLANTIC STATES CAST IRON PIPE CO. their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
13. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
14. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
15. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve ATLANTIC STATES CAST IRON PIPE CO. of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.

16. Pursuant to N.J.S.A. 26:2C-19(b) and N.J.S.A. 26:2C-19(d), any person who violates the provisions of the Act, or any code, rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable to a penalty of up to \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third and each subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
17. Pursuant to N.J.S.A. 26:2C-19(f)1, any person who purposely or knowingly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order, promulgated or issued pursuant thereto, is guilty of a crime of the third degree.
18. Pursuant to N.J.S.A. 26:2C-19(f)2, any person who recklessly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order promulgated or issued pursuant thereto, is guilty of a crime of the fourth degree.

DATE: February 21, 2001

Michael Papp
Regional Enforcement Officer
Northern Regional Office
Air Compliance & Enforcement

**Administrative Hearing Request Checklist
and Tracking Form**

I. Document Being Appealed: **EA ID #** PEA010004 - 85004

II. Person Requesting Hearing:

Date Document Issued _____

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document.
- B. A **copy of the Enforcement Document** and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

- 1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625
- 2. Michael Papp, Regional Enforcement Officer
Air Compliance & Enforcement
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191
- 3. All co-permittees (w/attachments)

IV. Signature: _____

Date: _____

Air Compliance & Enforcement
Northern Regional Office
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191
Phone: (973) 299-7700 Fax: (973) 299-7712

CERTIFIED MAIL/RRR
7000 1670 0002 2986 4123

IN THE MATTER OF
ATLANTIC STATES CAST IRON PIPE CO
183 SITGREAVES ST
PHILLIPSBURG, NJ 08865

ADMINISTRATIVE ORDER
AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

EA ID # PEA020002 - 85004

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter AONOCAPA) are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter NJDEP or the Department) by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Manager, Northern Regional Office, Air Compliance & Enforcement, pursuant to N.J.S.A.13:1B-4.

FINDINGS

1. ATLANTIC STATES CAST IRON PIPE CO owns and/or operates a facility located at 183 Sitgreaves Street, Lot 41, Block 40, Phillipsburg Town, Warren County, New Jersey (ID# 85004).
2. As the result of an investigation conducted on April 3, 2002, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:27-8.13(h), carbon monoxide \leq 2,500 ppmvd (maximum daily average). The maximum daily average may exceed 2500 ppmvd up to three (3) days each quarter but shall never exceed 4,000 ppmvd. If the daily average CO concentration does not exceed 2500 ppmvd for four (4) consecutive quarters, the Permittee shall comply with the 2500 ppmvd daily average limit at ALL TIMES. [N.J.A.C. 7:27-8.3(e)]

Description of Noncompliance: During the Fourth Quarter of 2001, the concentration of emissions of carbon monoxide from the Cupola Stack, previously PCP970001 and PCP010001, now PCP020001, exceeded the maximum allowable concentration of 2500 ppm (daily average) on the following days:

October 1, 2, 5, 20, 22, 23, 24, 26 and 30, 2001

November 1, 2, 7, 8, 12, 13, 15, 16, 19, 27, 29 and 30, 2001

December 4, 6, 11 and 18, 2001

3. Based on the facts set forth in these FINDINGS, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO has violated the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto specifically, N.J.A.C. 7:27-8.3(e) and 8.13(h)

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

4. ATLANTIC STATES CAST IRON PIPE CO shall comply with the following:

IMMEDIATELY cease operation of the equipment listed in Paragraph 2 or operate said equipment in accordance with the Permit and Certificate.

5. This Order shall be effective upon receipt by ATLANTIC STATES CAST IRON PIPE CO or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

AND

NOTICE OF RIGHT TO A HEARING

6. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against ATLANTIC STATES CAST IRON PIPE CO in the amount of \$81,600.00. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.

ATLANTIC STATES CAST IRON PIPE CO

PEA020002 - 85004

Page 3 of 5

7. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.12, the Department may, in addition to any civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with the requirements of this Act, or any rule, administrative order, operating certificate or permit issued pursuant thereto.
8. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 26:2C-14.1, ATLANTIC STATES CAST IRON PIPE CO is entitled to request a hearing. ATLANTIC STATES CAST IRON PIPE CO shall, in its request for a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.
9. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.
10. If a timely request for a hearing is received, payment of the penalty is due when ATLANTIC STATES CAST IRON PIPE CO receives a notice of the denial of the request, or, if the hearing request is granted, when ATLANTIC STATES CAST IRON PIPE CO withdraws the request or abandons the hearing, or, if the hearing is conducted, when ATLANTIC STATES CAST IRON PIPE CO receives a final decision from the Commissioner in this matter.
11. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

12. This AONOCAPA is binding on ATLANTIC STATES CAST IRON PIPE CO their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
13. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.

14. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
15. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve ATLANTIC STATES CAST IRON PIPE CO of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
16. Pursuant to N.J.S.A. 26:2C-19(b) and N.J.S.A. 26:2C-19(d), any person who violates the provisions of the Act, or any code, rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable to a penalty of up to \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third and each subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
17. Pursuant to N.J.S.A. 26:2C-19(f)1, any person who purposely or knowingly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order, promulgated or issued pursuant thereto, is guilty of a crime of the third degree.
18. Pursuant to N.J.S.A. 26:2C-19(f)2, any person who recklessly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order promulgated or issued pursuant thereto, is guilty of a crime of the fourth degree.

DATE:

Michael Papp
Manager
Northern Regional Office
Air Compliance & Enforcement

**Administrative Hearing Request Checklist
and Tracking Form**

I. Document Being Appealed: EA ID # PEA020002 - 85004

Date Document Issued _____

II. Person Requesting Hearing:

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document.
- B. **A copy of the Enforcement Document** and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

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- 2. Michael Papp, Manager
Air Compliance & Enforcement
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191
- 3. All co-permittees (w/attachments)

IV. Signature: _____ Date: _____

Air Compliance & Enforcement
Northern Regional Office
1259 Route 46 East, Bldg. #2
Parsippany, NJ 07054-4191
Phone: (973) 299-7700 Fax: (973) 299-7712

CERTIFIED MAIL/RRR
7000 1670 0002 2986 6752

IN THE MATTER OF
ATLANTIC STATES CAST IRON PIPE
CO
183 SITGREAVES ST
PHILLIPSBURG, NJ 08865
EA ID # PEA010007 - 85004

ADMINISTRATIVE ORDER
AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter AONOCAPA) are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter NJDEP or the Department) by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to Administrator, Air Compliance & Enforcement pursuant to N.J.S.A.13:1B-4.

FINDINGS

1. ATLANTIC STATES CAST IRON PIPE CO owns and/or operates a facility located at 183 Sitgreaves Street, Lot 41, Block 40, Phillipsburg Town, Warren County, New Jersey (ID# 85004).
2. As the result of an investigation conducted on November 20, 2001, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO failed to comply with applicable requirements as follows:

Subject: U1 OS1

Requirement: Pursuant to N.J.A.C. 7:27- 8.13(h), Carbon monoxide \leq 2,500 ppmvd (maximum daily average). The maximum daily average may exceed 2500 ppmvd up to three (3) days each quarter but shall never exceed 4,000 ppmvd. If the daily average CO concentration does not exceed 2500 ppmvd for four (4) consecutive quarters, the Permittee shall comply with the 2500 ppmvd daily average limit at ALL TIMES. [N.J.A.C. 7:27- 8.13(h) & N.J.A.C. 7:27-8.3(e)]

Description of Noncompliance: During the Third Quarter of 2001, the concentration of emissions of Carbon Monoxide from the Cupola Stack, previously PCP970001, now PCP010001, exceeded the maximum allowable concentration of 2500 ppm (daily average) on 13 days.

3. Based on the facts set forth in these FINDINGS, the Department has determined that ATLANTIC STATES CAST IRON PIPE CO has violated the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto specifically, N.J.A.C. 7:27- 8.13(h) & N.J.A.C. 7:27-8.3(e).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

4. ATLANTIC STATES CAST IRON PIPE CO shall comply with the following:

Immediately cease operation or comply with N.J.A.C. 7:27- 8.3(e).

5. This Order shall be effective upon receipt by ATLANTIC STATES CAST IRON PIPE CO or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
AND
NOTICE OF RIGHT TO A HEARING

6. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against ATLANTIC STATES CAST IRON PIPE CO in the amount of \$47,600.00. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.
7. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.12, the Department may, in addition to any civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with the requirements of this Act, or any rule, administrative order, operating certificate or permit issued pursuant thereto.